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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,253	04/26/2000	HENNING MAAB	PHD98.097	6706

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EXAMINER

GEHMAN, BRYON P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/530,253

Applicant(s)

MAASS ET AL.

Examiner

Bryon P. Gehman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

The flow diagram does not include nomenclature commensurate with the specification to facilitate understanding of the invention. The boxes should be identified to render the flow diagram understandable. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

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disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds 150 words.  
Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1 and 2, the subsequent use of "the data carrier" or "said data carrier" is indefinite after the original definition of "at least one data carrier" in lines 1-2 of claim 1. It is indefinite whether applicants are referring to each or only one data carrier. In claim 1, line 5, "a change of area" is indefinite, as area is not sufficiently defined.

In claim 2, line 2, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitation following the phrase is part of the claimed invention. Are applicants limiting to area boundaries or something else? See MPEP § 2173.05(d).

In claim 3, line 4, "the current area" lacks antecedent basis. In line 5, "the current position" lacks antecedent basis. In line 8, "the mobile data carrier" lacks antecedent basis as a term. See also claim 4, line 2.

In claim 5, lines 1-2, "applications interrogate" is indefinite, as there is insufficient antecedent structure recited to render "applications" to do anything relative to the information unit. See also claim 6, line 2.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Alesio (5,550,551). Disclosed is a locating system having a position-determining system and at least one data carrier (108) including a position sensor (defined position detector, column 4, lines 53-58 or 202), a transmitter (212) and a receiver (200 or 208), area information (range limit, see column 4, lines 22-35) stored in an information unit remote from each data carrier, the information being transmittable to each carrier and each data carrier transmits its position to the information unit only at initialization and a change in area (see column 4, lines 39-47).

As to claim 2, receiver (200) receives area boundaries (range limits) and a memory (206) and a comparator (210) are disclosed.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang et al. (5,365,451). Disclosed is a locating system having a position-determining system and at least one data carrier (16) including a position sensor (28), a transmitter and a receiver (26), area information stored in an information unit (10 and 14) remote from each data carrier, the information being transmittable to each data carrier and each data carrier transmits its position to the information unit only at initialization (see column 4, line 51 through column 5, line 21 and claim 10) and a change in area (see Abstract and claim 11).

As to claim 2, receiver (26) receives area boundaries (borders, see column 3, lines 46-61) and a memory (366) and a comparator (30) are disclosed.

As to claim 3, a method of locating is disclosed, which comprises a data carrier (16) receiving position data from a position-determining system (12), the data carrier transmits position data to an information unit (10 and 14), the position data allocated to an area of the information unit, and the boundaries (borders) are transmitted to the data carrier (via the gateway 14) and at movement of the data carrier (see column 3, line 28 through column 4, line 2) the current position is compared with the boundaries and new position data is transmitted to the information unit (10) only in case of a negative result of the comparison of the area boundaries transmitted by the information unit with the current position of the data carrier.

As to claim 4, the information unit stores the information of area data which is then used to allow tracking and allocating appropriate resources.

As to claims 5 and 6, the processors of the information unit interrogate to decipher the data carrier location (from satellite signals), as much as defined.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alesio. A method of locating is disclosed, which comprises a data carrier (108) receiving position data from a position-determining system (110a-c), the data carrier transmits position data to an information unit (112), the position data allocated to an area of the information unit, and the boundaries (range limits) are transmitted to the data carrier (via the remote transmitter 106) and at movement of the data carrier (see column 4, lines 22-47) the current position is compared with the boundaries and new position data is transmitted to the information unit (112) only in case of a negative result of the comparison of the area boundaries transmitted by the information unit with the current position of the data carrier. To combine the remote transmitter (106) with the remote dispatch center (information unit 112) would have been obvious to one of

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ordinary skill in the art in order to simplify control of the monitoring unit (data carrier 108) to one location.

As to claim 4, the information unit stores the information of area data which is then transmitted to law enforcement personnel.

As to claims 5 and 6, the processors of the information unit interrogate to decipher the data carrier location, as much as defined.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pauley et al. disclose a data carrier for processing location information with respect to a remote information unit. The two Schipper et al. references each disclose a locating system and method whereby a position is transmitted to a remote central location from a data carrier. Otto et al. disclose a data carrier for processing location information with respect to a remote information unit. Dvorak discloses a locating system and method whereby the position is determined at initialization and at a change of area. Lippold discloses a method and system for remotely tracking an object. "Look to the Sky" discloses a data carrier in conjunction with a satellite-monitoring system.

Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiner. As the official records and applications are located in the clerical section of the examining Tech Center, the clerical personnel can readily



provide status information without contacting the examiner. See MPEP 203.08. The Tech Center clerical receptionist number is (703) 308-1113.

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

Any inquiry concerning the merits of the examination of the application should be directed to Bryon Gehman at telephone number (703) 308-3866. My work schedule is normally Tuesday through Friday from 6:30 am through 4 pm, with Friday being worked at an alternative site away from my office.

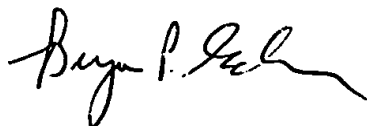
Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 305-7687 and (703) 305-3597. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

Other possibly helpful telephone numbers are:

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/ 8335
Fee Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help Line	1-800-786-9199

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.

BPG  
October 22, 2002



Bryon P. Gehman  
Primary Examiner